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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,154	07/14/2003	James Patrick Griffin JR.	16383-2	6780
1059 7590 09/03/2008 BERESKIN AND PARR 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA				
EXAMINER STRIMBU, GREGORY J				
ART UNIT 3634		PAPER NUMBER		
MAIL DATE 09/03/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/619,154

**Applicant(s)**

GRIFFIN, JAMES PATRICK

**Examiner**

Gregory J. Strimbu

**Art Unit**

3634

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/25/08 + 7/30/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 40-46, 48 and 49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-46, 48 and 49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Drawings***

The drawing correction filed December 6, 2006 has been approved. The drawings, however, are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the door frame constructed in an opening of a wall and having two vertical sides must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claim 40 is objected to because "[t]he" on line 1 presumes that the security combination has been previously set forth when it has not. Thus, it is suggested the applicant change "The" to --A-- to avoid confusion. Additionally, it is suggested the applicant change "one vertical side" on lines 5-6 of claim 40 to --one of the vertical sides-- to avoid confusion.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 40-46, 48 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "distal edges of each of the side members" on line 22 of claim 40 render the claims indefinite because it is unclear how each of the side members can have more than one distal edge. Recitations such as "a horizontal direction" on line 24 of claim 40 render the claims indefinite because it is unclear if the applicant is referring to the horizontal direction set forth above or is attempting to set forth another horizontal direction in addition to the one set forth above. Recitations such as "the reinforcing member" on line 32 of claim 40 render the claims indefinite because it is unclear to which of the plurality of reinforcing members set forth above the applicant is referring. Recitations such as "adjacent portion of the front surface and rear surface of the door" on line 33 of claim 40 render the claims indefinite because it is unclear

whether or not the applicant is referring to the adjacent portion of the front surface and rear surface of the door set forth above. Recitations such as "the length of a vertical portion of the door" on lines 36-37 of claim 40 render the claims indefinite because it is unclear whether or not the applicant is referring to the full length of the door set forth above. Recitations such as "at least one locking member" on line 38 of claim 40 render the claims indefinite because it is unclear whether or not the applicant is referring to the locking member set forth above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over British Patent Application No. 2 265 664 in view of Barnes (US 306806) and Ausubel (US 2489072). British Patent Application No. 2 265 664 discloses a security combination for a doorway comprising:

a door frame (not shown) constructed in an opening of a wall (not shown) and having two vertical sides,

a door jamb (not numbered, but shown in figure 5) attached to and extending the length of one vertical side of the door frame, the door jamb having at least one opening (not numbered, but shown in figure 4) to receive a locking member 21,

a door (not numbered, but shown in figure 5) sized and shaped to fit within the door frame, the door having a front surface, a rear surface, a top surface, a bottom surface, a free vertical edge portion, and a hinged vertical edge portion, the free vertical edge portion comprising at least one lockset (not numbered, but shown in figures 4 and 5) having a portion protruding through the front surface of the door and having a locking member 21 as shown in figure 4,

a first U-shaped reinforcing member 2 capable of being securely affixed to the free vertical edge portion of the door, said reinforcing member comprising steel (see page 8, line 33 to page 9, line 2), extending along a length of the free vertical edge portion of the door, having at least one opening 8 for passage of a locking member 21 from the at least one lockset having a locking member, and comprising a longitudinally extending base member 5 and two substantially perpendicularly positioned side members 3 and 4, each of the side members being generally rectangular and extending substantially along the free vertical edge portion of the door and having a proximal edge connected to the base member and a distal edge, and a substantially planar surface extending from the proximal edge to the distal edge, and the base member having a substantially planar surface,

and a second reinforcing member 10 capable of being securely affixed to the door jamb, said second reinforcing member having at least one opening 15 for passage of the locking member 21,

wherein the U-shaped reinforcing member is over-bend mounted to the free vertical edge portion of the door (see page 5, lines 17-18) and adjacent portion of the

front surface and rear surface of the door so that the reinforcing member 2 engages the free vertical edge portion and adjacent portion of the front surface and rear surface of the door without being screwed to any of the free vertical edge portion, the front surface of the rear surface of the door (see page 6, lines 3-4), wherein the second reinforcing member has a length, and wherein force applied against the front or rear surface of the door will be transmitted through at least one locking member to the second reinforcing member and to the door frame,

the locking member 21 is a dead bolt, a door latch (not numbered, but shown in figure 4 disposed below the dead bolt 21), screws (not shown, but see page 6, line 3). Although British Patent Application No. 2 265 664 discloses that the front and rear sides of the plate 2 may be of any suitable height and width (page 5, lines 23-31), British Patent Application No. 2 265 664 is arguably silent concerning the lengths of the first and second reinforcing members. Also, British Patent Application No. 2 265 664 is silent concerning the side members having a distal edge located between the proximal edge and the portion of the lockset protruding through the front surface of the door.

However, Barnes discloses a door security system comprising a reinforcing member B extending the full length of the door.

It would have been obvious to one of ordinary skill in the art to provide the first U-shaped reinforcing member of British Patent Application No. 2 265 664 with a length extending the full length of the door, as taught by Barnes, to increase the strength of the reinforcing member and thus the effectiveness of the security system.

Additionally, Ausubel discloses a security system for a doorway comprising a door 10, a lockset 13, 14 having a portion protruding through a front surface of the door a reinforcing plate 11, wherein a side member 15 of the reinforcing plate has a proximal edge (not numbered, but shown in figure 3) and a distal edge (not numbered, but shown in figure 4 as the vertical edge of the cutouts 18 and 19), and no part of the distal edge of the side member extending in a horizontal direction from the free vertical edge portion of the door 10 towards the hinged vertical edge portion of the door 10 by more than the shortest distance in a horizontal direction from the free vertical edge portion to a part of the portion of the lockset (not numbered, but shown in figure 4) extending beyond the distal edge of the side member) protruding through the front surface of the door.

It would have been obvious to one of ordinary skill in the art to provide British Patent Application No. 2 265 664 with side members, as taught by Ausubel, to enable the security system to be easily retrofitted to existing doors.

Finally, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the second reinforcing member with a length substantially equal to the full length of the door to match the length the first reinforcing member in order to provide adequate strength to the security system.



Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over British Patent Application No. 2 265 664 in view of Barnes and Ausubel as applied to claims 40-45 above, and further in view of Stein. Stein discloses a silicon adhesive.

It would have been obvious to one of ordinary skill in the art to provide British Patent Application No. 2 265 664, as modified above, with an adhesive, as taught by Stein, to more securely attach the reinforcing members to the door assembly.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over British Patent Application No. 2 265 664 in view of Barnes and Ausubel as applied to claims 40-45 above, and further in view of Francis. Francis discloses a second reinforcing member 60 having a tubular member 66 to receive a locking member.

It would have been obvious to one of ordinary skill in the art to provide British Patent Application No. 2 265 664, as modified above, with a tubular member, as taught by Francis, to further increase the strength of the security system.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over British Patent Application No. 2 265 664 in view of Barnes and Ausubel as applied to claims 40-45 above, and further in view of Zarzycki. Zarzycki discloses a metal door 202.

It would have been obvious to one of ordinary skill in the art to provide British Patent Application No. 2 265 664, as modified above, with a metal door, as taught by Zarzycki, to increase the strength of the door and therefore the strength of the security door assembly.

***Response to Arguments***

Applicant's arguments filed July 30, 2008 have been fully considered but they are not persuasive.

Regarding the applicant's comments concerning Ausubel, the examiner respectfully disagrees. As shown in figure 4, a part of a portion of the lockset extends beyond the distal edge of the side member 15 since a portion of the lock 14 extends beyond the distal edge of the side member 15. Thus, the shortest distance in a horizontal direction from the free vertical edge of the door to the distal edge of the side member 15 is less than the distance from the free vertical edge of the door to a part of a portion of the lockset. Since the applicant has chosen a part of the lockset, as long as any part of the lockset extends beyond the distal edge of the side member, the teachings of Ausubel anticipate such a limitation. It appears that it would be more accurate to recite that the distal edge of the side portion does not extend beyond any part of the lockset.

Regarding the applicant's comments concerning UK Patent Application No. 2 265 664, the examiner respectfully disagrees. Since UK Patent Application No. 2 265 664 discloses that the first reinforcing member fits snugly over the end of the door (page 5, lines 17-18), the first reinforcing member would be mounted to the door without screws. Additionally, lines 2-4 of page 6 of UK Patent Application No. 2 265 664 merely state that the first reinforcing member includes holes for screwing or otherwise attaching the reinforcing member to the door. Lines 2-4 of page 6 of UK Patent Application No. 2 265

664 fail to state that the first reinforcing member is actually attached to the door by screws.

With respect to the applicant's arguments concerning the motivation to combine the references of record, the examiner respectfully disagrees. The rationale to modify or combine the prior art does not have be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Since the applicant has failed to address the reasoning/rationale supplied by the examiner as to why the modification would have been obvious, the applicant's arguments are not persuasive.

### ***Conclusion***

**THIS ACTION IS NOT MADE FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/  
Primary Examiner, Art Unit 3634